IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA BRYSON CITY DIVISION 2:05ev217

MURIEL DANTZLER,)
Plaintiff,)
Vs.) ORDER
STATE FARM FIRE AND CASUALTY COMPANY,)
Defendant.)))

THIS MATTER is before the court on defendant's Motion to Dismiss and Motion to Amend Caption (#4) and plaintiff's Motion to Amend Complaint (#5). Having considered defendant's motion and reviewed the pleadings, and it appearing that counsel for defendant has consented to defendant's Motion to Amend, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that

- (1) plaintiff's Motion to Amend Complaint (#5) is **GRANTED**, and plaintiff is allowed 10 days from the filing of this Order to file plaintiff's Amended Complaint and serve such document on counsel for defendant;
- (2) defendant's Motion to Dismiss (#4) is **DENIED** without prejudice as **MOOT**;
- (3) defendant's Motion to Amend Caption (#4) is **ALLOWED**, and the caption is amended as reflected above; and
- (4) defendant shall have 20 days from receipt of the Amended Complaint to file its Answer or other responsive pleading.

Signed: October 19, 2005

Dennis L. Howell United States Magistrate Judge